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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/815,265

03/23/2001

Hiroshi Fukuda

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4562

22428

7590

10/13/2004

FOLEY AND LARDNER
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3000 K STREET NW
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EXAMINER

POPE, DARYL C

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,265

Applicant(s)

FUKADA ET AL

Examiner

DARYL C POPE

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,6,8-10,14,15,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-5,11-13 and 16-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

ART REJECTION:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1,6,8-10,14-15, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al(5,400,246).**

– In considering **claims 1,6,8,14, and 19-20**, the claimed subject matter that is met by Wilson et al(Wilson) includes:

- 1) the claimed general control device for monitoring is met by the PC(12) which monitors and controls operation of various devices;
- 2) the claimed plurality of unit control devices for monitoring the generation units and producing alarm data is met by the pump stations which provide alarm data(272, column 20, lines 3-30);
- 3) the claimed communication means for exchanging data is met by the AC power line(402);
- 4) the claimed only part of the alarm data being produced in the control device is met by the graphical display displaying partial or full data as desired(see: figures 4B-4C);
- 5) the claimed means for setting an alarm level threshold, means for sending information indicating the alarm threshold, means for receiving part of alarm data is met by the soft control

panel(270, column 20, lines 3 et seq);

6) the claimed means for storing current unit state data and fixed data is met by the master control program of the control panel PC(12).

- Wilson does not show:

1) the claimed electric power generation unit.

Although Wilson discloses pump control buildings, use of pumps and pump control for generating electric power for electric power generation units is well known. therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate electric power generation units into the system of Wilson, since Wilson is already designed to monitor and control the operation of various systems in a monitoring system, and therefore monitoring and control of electric power generation units would have been readily monitored by the system of Wilson.

– **Claim 9** recites subject matter that is met as discussed in claim 1 above, as well as:

1) the claimed state data memory, and means for storing fixed data is met by the master control program of the PC(12).

– **Claims 10 and 15** recite subject matter that is met as discussed in claim 14 above, as well as:

1) the claimed display means including means for changing the location of the display current unit state based on specification is met by the user being able to change the location of the unit by manipulation of the mouse pointer(262, figure 4A) over a desired location(see: column 19, lines 36 et seq).

Allowable Subject Matter

3. **Claim 7** is allowed.

4. **Claims 2-5,11-13, and 16-18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C POPE whose telephone number is (703) 305-4838. The examiner can normally be reached on M-TH 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

March 19, 2004

DARYL C POPE
Primary Examiner
Art Unit 2632
